



An
Bord
Pleanála

Inspector's Report PL06F.248756.

Development	Revisions to apartment Block C of previously granted development (reg ref: F16A/0268) to provide for 6 no. additional residential units and associated works on lands adjacent to 'The Gallery'.
Location	Turvey Avenue, Donabate, Co. Dublin.
Planning Authority	Fingal County Council.
Planning Authority Reg. Ref.	F17A/0192.
Applicant(s)	Wynn Clons Development.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First v Refusal
Appellant(s)	Wynn Clons Development.
Observer(s)	1. Joseph Fitzsimons, 2. Gillian Bell on behalf of Turvey Walk OMC CLG
Date of Site Inspection	13 th September 2017.
Inspector	Patricia Calleary.

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	4
3.3. Prescribed Bodies	5
3.4. Third Party Observations	5
4.0 Planning History.....	6
5.0 Policy Context.....	7
5.1. Fingal County Development Plan 2017-2023.....	7
5.2. Other Policy.....	8
5.3. Natural Heritage Designations	9
6.0 The Appeal	9
6.1. Grounds of Appeal	9
6.2. Planning Authority Response.....	11
6.3. Observations	11
7.0 Assessment.....	13
7.1. Introduction	13
7.2. Reasons for Refusal.....	13
7.3. Other	18
8.0 Recommendation.....	18
9.0 Reasons and Considerations.....	19

1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.6 hectares is a vacant undeveloped site, which is relatively flat and is regular in shape. It is located to the south of 'The Gallery' residential development and is accessed off Turvey Avenue to the south. Donabate railway station and the Dublin-Belfast railway line lie c.100m to the east and Donabate village centre lies a further 100m east. Boundaries consist of hedgerows, trees, shrubs and security fencing. The surrounding lands consist of residential development in 'The Gallery' (apartments) to the north and Turvey Grove (semi-detached two storey houses) to the west, as well as individual single storey houses and their private gardens along the public road, Turvey Avenue to the south. The site is bounded to the east by the access road, Turvey Walk, and there are two partially-constructed apartment blocks to the east of Turvey Walk.
- 1.2. The wider area is characterised by residential development in the form of individual houses and more recent larger residential schemes. Newbridge Demesne and extensive 18th-century parklands lie to the south east of Turvey Avenue.

2.0 Proposed Development

- 2.1. As described on the public notices, the proposed development would include revisions to an apartment development, Block C, which was previously granted permission in 2016 under reg ref: F16A/0268 as part of an application for three residential blocks. If permitted, the development would provide an additional six apartments, to effectively re-instate those which were conditioned out of the scheme by way of a condition attached to its previous grant of permission. It would result in a total of 15 no. apartment units within Block C and 51 apartment units in total across the three apartment blocks.
- 2.2. Permission is also sought for revisions to the elevations and the site layout, and to use the existing vehicular and pedestrian access and all associated works necessary to facilitate the development.
- 2.3. In addition to the planning drawings, the application was accompanied by an Architectural design statement and a Planning statement.

3.0 Planning Authority Decision

3.1. Decision

Refuse permission for three stated reasons.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning officer stated that the main issues for consideration were the differences between the new proposal and that permitted under F16A/0268, as well as compliance with planning policy, impact on visual and amenity issues and consideration of reports and observations received. Reference is made to permission granted under F16A/0268, which amended the scheme by way of condition no.2, such that six units were omitted and that this was not appealed at the time. The following is set out in the planning officer's report:

- Proposal now is to reinstate the six apartments and would result in a reduction of car parking from 66 spaces to 61;
- Noting reference by the applicant to public transport, the extension of the DART service to Donabate is unlikely to occur before 2022 and there are no definite timescales for any improvements in public transport network servicing Donabate;
- Lands are suitable for residential development. Development Management standards set out in the development plan appear to be met except for internal storage which requires further consideration;
- Scheme considered acceptable from a visual amenity perspective;
- Broadly acceptable from a residential amenity perspective, however, screening of balconies is a concern as it would reduce the private amenity perhaps to an unacceptable level and the apartments on the eastern side would suffer greatest loss of daylight;

In conclusion, the Planning Officer's report states that the proposal would contravene Condition No.2 of F16A/0268 and would give rise to overdevelopment of the site

where six apartments are proposed without commiserate open space or parking and would give rise to overlooking which would be seriously injurious on the residential amenities of the area. A recommendation to **refuse permission** was put forward which reflects the three reasons for the Planning Authority's decision to refuse permission.

3.2.2. Other Technical Reports

- Transportation Planning Section - Deficit in car parking provision highlighted and states that it could lead to 'fly parking' in neighbouring residential and/or commercial areas;
- Water Services – No objection (surface water);
- Parks Department – No report received;
- Housing Department – No objection.

3.3. Prescribed Bodies

- Irish Water – No objection subject to conditions.

3.4. Third Party Observations

3.4.1. A number of observations were received objecting to the proposed development. Concerns raised include:

- Insufficient car parking;
- Provision of public transport and cycling facilities are insufficient;
- Development would be visually overbearing when viewed from Church view;
- Proposed development would have an overbearing impact and give rise to overlooking and loss of privacy of adjacent properties;
- Noise pollution.

4.0 Planning History

4.1. Appeal site

- F16A/0268 – Permission granted by Fingal County Council for three no. 3 storey apartment blocks comprising 45 apartment units. (Note: 51 apartments had been applied for, however, six apartments were omitted by condition no.2).
- F15A/0181 – Permission granted for a mixed-use development within three blocks.
- F15A/0175 – Permission granted for four additional apartment units for a total of 25 number apartment units in Block 1 only as originally approved under F04A/1163.
- F15A/0174 – Permission granted for 3 additional apartment units providing for a total of eighteen apartment units in Block 1 only, as approved under F04A/1163.
- PL 06F.231532 / F08A/0978 – Permission refused for 2 no. additional penthouse apartments located at roof level over the previously approved apartment Block 01 under Reg. ref 04A/1163;
- PL 06F.231529 / F08A/0979 – Permission refused for 4 no. additional apartments within the roof structure of the previously approved apartment Block 02 under Reg. ref 04A/1163;
- F08A/0083 – Permission refused for the provision of 2 no. additional penthouse apartments, extending the roofline at the same height of previously approved apartment Block 01 under Reg. ref 04A/1163;
- F08A/0084 – Permission refused for 4 no. additional apartments within the roof space of previously approved apartment Block No. 2 (Reg. ref F04A/1163);
- F04A/1163 – Permission granted for a residential development on 0.48 hectares. The proposal includes 1 no.3.5/3 storey block with roof terrace (Block 1) and 1 no. 3 storey block (Block 2) comprising 37 apartments. The duration of this grant of permission was extended under F04A/1163E1 until

17th April 2015 and further extended under F04A/1163/E2 until the 16th April 2020.

5.0 Policy Context

5.1. Fingal County Development Plan 2017-2023

The site is governed by the policy and provisions contained in the Fingal County Development Plan 2017-2023. The site is zoned 'TC' with a stated objective to 'Protect and enhance the special physical and social character of the town and district centres and provide an/or improve urban facilities'. Residential development is permitted within this zoning category. Chapter 12 of the Plan addresses development management standards. The following objectives are considered relevant.

- **Objective DMS24** - Requires that new residential units comply with or exceed minimum standards set out in Tables 12.1, 12.2 and 12.3 of the plan. In the case of one and two bedroomed apartments, the minimum gross floor area shall be 45 square metres and 73 square metres respectively with minimum storage areas of 3 square metres and 6 square metres respectively. In the case of 3 bed apartments the minimum gross floor area is 90 sq.m with 9 metres storage area.
- **Objective DMS57A** – Require a minimum 10% of a proposed development site area be designated for use as public open space.
- **Section 12.7 Open Space** (Extract) - Public and/or communal open spaces should be overlooked and designed to ensure that potential for anti-social behaviour is minimised through passive surveillance.
- **Objective DMS28** - A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy. In residential developments over 3 storeys, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs.

- **Objective DMS88** - Require private balconies, roof terraces or winter gardens for all apartments and duplexes comply with or exceed the minimum standards set out in Table 12.6.
- **Objective DMS30** - Ensure all new residential units comply with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.E. 1991) and B.S. 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting or other updated relevant documents.

5.2. Other Policy

5.2.1. The Donabate Local Area Plan (2016). It does not directly refer to the site.

- Extract from the Donabate LAP (2016) - The LAP lands comprise approx. 138 hectares (340 acres) in four land parcels at Corballis (c. 65 ha), Ballymastone (c. 50.2 ha), Rahillion (c. 5.5 ha) and at Turvey (c. 16 ha). The LAP proposes to establish a framework for the planned, co-ordinated and sustainable development of undeveloped lands. The proposed LAP is consistent with Fingal's Core Strategy and identifies the quantum, location and phasing of development for the plan period, which correlates with the regional population targets already established.

5.2.2. Guidelines for Planning Authorities on sustainable residential development in urban areas (DoEHLG, 2009), including Section 5.8 (minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards should be applied within public transport corridors, with the highest densities being located at rail stations/bus stops and decreasing with distance away from such nodes).

5.2.3. New Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (DECLG 2015).

- Chapter 3 (Apartment Design Standards). The standards are broadly the same as those in the Fingal Development Plan.
- Chapter 4 (Communal Facilities in Apartments) includes guidance on car parking as follows:
 - 4.14 The quantum of car parking provision for residential developments generally is a matter for individual planning authorities having regard to

local circumstances (notably location and access to public transport). As a benchmark guideline for apartments, one car parking space per unit should generally be required. However, car parking provision should be reduced or avoided in very accessible areas such as central business districts and a confluence of public transport systems, or should be increased within an overall maximum parameter in a more suburban context.

- 4.16 Car parking requirements for apartment schemes should generally be expressed as maximum car parking standards and should exceed 1 space per apartment only in more suburban contexts, to a maximum of 1.5 spaces per apartment dwelling.

5.3. **Natural Heritage Designations**

5.4. There are no designated areas within or immediately adjacent to the appeal site. The closest such sites are:

- Rogerstown Estuary SPA (Site Code 004015) and Rogerstown Estuary SAC (Site Code 000208) located 1.3m north of the appeal site;
- Broadmeadow/Swords Estuary SPA (Site Code 004025) and Malahide Estuary SAC (Site Code 000205) located 1km south of the appeal site.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. The proposal seeks permission for the addition of six residential units which were removed by condition to a grant of permission for an earlier application. It would result in 15 no. residential units in Block C and an overall development of 51 no. residential units and 61 car parking spaces. The appeal against the refusal was submitted by Downey Planning. It outlines the applicant's case on the merits of the scheme and a rebuttal of the reasons for refusal attached to the Planning Authority's decision. The following provides a summary of the specific points set out in the grounds of appeal.

6.1.2. Refusal reason no.1 (development would materially contravene condition no.2 of F16A/0268):

- If granted, the permission would amend and supersede permission granted under F16A/0268. The provision of 61 car spaces to serve 51 dwellings would be in accordance with national guidelines which supersede the development plan.

6.1.3. Refusal reason no.2 (overdevelopment of the site because of lack of parking and public space):

- Car parking provision at 61 spaces for 51 units would be in compliance with the provisions of the 'Movement and Infrastructure' provisions set out in Chapter 7 of the Fingal development plan which requires a car parking space per unit;
- Car parking proposal complies with standards for new apartment developments, as set out in the 'Sustainable Urban Housing: Design Standards for New Apartments' 2015, which supersede the development plan standards;
- Site immediately adjoins Donabate train station which has 26 train services daily to Dublin city centre and a similar number of services to Malahide. Bus service and planned DART service noted and there is a clear objective in the development plan to allow high-density development along public transport corridors;
- Refers to precedents on adjoining lands (The Gallery) whereby permission was granted for 43 units with 55 car spaces (F15A/0174 and F15A/0175);
- Proposed development complies with national planning policy and Section 28 guidance.
- 10% public open space is proposed and private open space would be provided in the form of balconies. Lands are also well served by high quality open space within the overall residential scheme of The Gallery (Phase 1 development which has been constructed to date) and lie close to Newbridge Demesne, an 18th century parklands, which was opened as a County Dublin regional park in 1986;

6.1.4. Refusal reason no.3 (design of private amenity spaces would give rise to issues of overlooking and loss of privacy to properties to the south and reduce the residential amenity of these units):

- Balconies serving Block C units are designed so as not to directly overlook the dwellings along Turvey Avenue to the south and separation distances of 22m are exceeded and hence will not adversely affect the residential amenity of surrounding residents;
- Applicant is willing to accept a condition to require the erection of a 1.8m screen along the southern end of the balconies to the south (similar to those provided on the northern elevations);

6.2. **Planning Authority Response**

6.2.1. The main points in the Planning Authority's response are:

- Condition No.2 of F16A/0268 was applied to the grant of permission to provide for improved separation distances between Block C and the lands to the south, to address shortfall in car parking provision and to increase public open space to serve the overall development.
- Residents are likely to own at least one car per residential unit and Transportation planning section has raised concerns in relation to the under provision of car parking and resultant potential to give rise to 'fly parking'. The provision of underground/multi-storey car parking could address this issue.

6.3. **Observations**

6.3.1. An observation was received on the appeal from Joseph Fitzsimons, who is a resident of the adjoining 'The Gallery' development. An observation was also received from Gillian Bell on behalf of Turvey Walk OMC CLG with multiple signatures attached. The principal collective issues raised in both observations are summarised as follows:

- No change in planning policy has occurred since the granting of permission such as would warrant a reconsideration of car parking provision for the

proposed development. The Planning Authority have considered the application on merit, as is advocated in the Development Plan;

- Sustainable Urban Housing Design standards provide that the quantum of parking provision generally is a matter for the Planning Authority having regard to local circumstances and refers to one space per apartment as a benchmark rather than prescribing one space;
- Proposal to reduce car parking spaces by 27% when compared to the permitted development is unacceptable when there is evidence of insufficient spaces in the existing congested 'The Gallery' development;
- Train service to Dublin is less frequent than referenced by the applicant and is only suitable for those who work in the city and the train station itself has inadequate parking facilities. The provision of the DART service is some five years away. Bus service is mainly to Swords and as such, Donabate cannot be considered a public transport corridor;
- There are no cycle lanes around Donabate and the road leading from Donabate, known as 'Hearse road' is very dangerous for cyclists;
- The existing resident mainly use their cars as their preferred mode of transport with an average ownership of 2.2 cars per apartment. A proposal for one space per unit is unrealistic and would result in unregulated and haphazard parking as is currently occurring in 'The Gallery' development which would be unsafe;
- Provision of balconies at first and second floor level along the south boundary would decrease the privacy currently enjoyed by residents of Turvey Avenue. The referenced separation distance of 22m relates to opposing first floor windows and is not intended to relate to balconies at first and second floor level. The use of screening of balconies would not be acceptable for future occupants of the proposed scheme.

7.0 Assessment

7.1. Introduction

7.1.1. Planning permission was previously sought on the appeal site for 51 apartments within Block C as part of a wider development of three apartment blocks, each of which are three storey in scale. Permission was granted by Fingal County Council for 45 apartments by virtue of condition No.2 attached to the grant of permission which required the omission of six of the apartments originally proposed. The current proposal effectively seeks permission for the reinstatement of these six omitted units. The proposed development would provide for four 2-bed and two 3-bed apartment units. At the outset, the principle of residential development under the 'town centre' zoning category is wholly acceptable and is not at issue in this appeal. The main issues which arise are whether the reasons for refusal are reasonable in the context of proper planning and sustainable development. My assessment proceeds by considering each of the three reasons for refusal and also considers other matters which arise including Appropriate Assessment.

7.2. Reasons for Refusal

7.2.1. **Refusal reason no.1** (development would contravene materially condition no.2 of previous permission F16A/0268)

7.2.2. I am satisfied that seeking permission to alter the development permitted under F16A/0268, i.e. 45 units, by way of a new standalone planning application is reasonable and that if granted, the permission would amend the previous parent permission. Therefore, if the proposal were considered to align with the principles of proper planning and sustainable development, the Board would not be precluded from considering the merits of the proposal as a result of condition no.2 attached to the parent permission, F16A/0268.

- 7.2.3. **Refusal reason no.2** (overdevelopment of the site because of lack of parking and open space)

Parking

- 7.2.4. Table 12.8 of the current Fingal Development Plan sets out Car Parking Standards for apartments. For a two bed apartment, it sets out that the norm is 1.5 car spaces per unit and 1 visitor space for every 5 units. For a three bed apartment, the norm is 2 car spaces per unit and 1 visitor space for every 5 units. Based on the proposed development for 4 no. two bed and 2 no. three bed apartment units proposed to be added back into the scheme, this would equate to 12 additional parking spaces (10 to service the development and 2 visitor spaces). No additional parking is proposed, rather the development would involve the loss of 5 spaces as 66 spaces currently serve 45 permitted apartments and this would be reduced to 61 spaces for 51 apartments. Based solely on assessment against the requirements set out in Table 12.8 of the Development plan, the number of parking spaces serving the permitted development would not align with the requirements of the Plan.
- 7.2.5. The first party draws reference from Section 7.1 (Transportation) wherein on Page 253 of the Plan it sets out an appropriate standard of one space per unit. Having reviewed this section, I am satisfied that it is clearly meant in the context of town and village centres where the plot sizes are small and where existing car parking spaces are available off-site. It would not strictly apply to the current planned proposal which though zoned 'TC', lies outside the centre of Donabate on a vacant site where parking can be delivered as an integral part of a scheme without town centre constraints. Therefore, I do not accept the appellant's argument that car parking provision would adhere to the provisions of the 'Movement and Infrastructure' chapter of the development plan.
- 7.2.6. Notwithstanding the above, guidance set out under 'Sustainable Urban Housing: Design Standards for New Apartments' 2015 is relevant and it though it predates the Fingal Development Plan, it supersedes the Development Plan guidance. When read holistically, it sets out that the quantum of car parking provision for residential developments generally is a matter for individual planning authorities having regard to local circumstances with a 'benchmark' guidance of one car parking space per unit. I accept, having regard to the development adjacent to Donabate train station,

with a regular train service to the city and its proximity and walking distance to Donabate village centre, that it is reasonable to follow the 'benchmark' of one car parking space per unit, as set out in the national guidance document. Accordingly, the resultant 61 car parking spaces for a total of 51 residential units at this location is considered acceptable having regard to national guidance taking precedence against local policy in this instance. Furthermore, it would lead to encouragement of the use of public transport as a more sustainable alternative to the use of the private car. Concerns raised by the observers regarding illegal haphazard parking are matters to be regulated by appropriate traffic management and enforcement procedures outside of the planning process.

- 7.2.7. Overall, I am satisfied, having regard to the recent guidance, 'Sustainable Urban Housing: Design Standards for New Apartments' 2015, and the proximity of the development to the village centre and to the railway station, that sufficient parking can be provided to serve the amended scheme without resulting in deficiencies in parking ratio in the wider development and that planning permission should not be withheld for reasons of insufficient car parking.

Open space

- 7.2.8. The second part of Refusal Reason No.2 is on the basis that no commensurate open space is proposed. In the applicant's Architectural Design Statement, it is stated that 715 sq.m of open space has been provided and at appeal stage it is stated that a total of 10% of communal open space has been provided. Having reviewed and measured the area reserved for open space as shown adjacent to Block C on the site layout drawing, my estimate is that the open space measures c.300 sq.m¹. The difference in figures might be as a result of the applicant's inclusion of the area of open space south of Block B. I have some reservations around the area of open space positioned to the west (of Block C) as it is not overlooked by virtue of the proposal for opaque glass on the west elevation at that location. This lies contrary to the guidance set out under the Fingal Development plan (Section 12.7 – Open spaces) which requires public or communal open spaces to be overlooked and

¹ In my estimation from scaling the site layout drawing, I have not included other incidental or narrow green spaces as per the guidance of Section 12.7 (Open Space) of the Fingal Development Plan.

designed to ensure that potential for anti-social behaviour is minimised through passive surveillance.

- 7.2.9. Nonetheless, I am satisfied that based on a total floor area of c.1330 sq.m for Block C, that 10% useable open space would be available to the south of Block C. Accordingly, I am satisfied that permission should not be refused on the basis of lack of open space.
- 7.2.10. **Refusal reason no.3** (design of private amenity spaces would give rise to issues of overlooking and loss of privacy to properties to the south and reduce the residential amenity).
- 7.2.11. The applicant submits that the balconies which would serve Block C units are designed so as not to directly overlook the established dwellings on Turvey Avenue to the south and separation distances of 22m between the proposed apartments and the existing houses along Turvey Avenue are exceeded. Accordingly, it is submitted that the development as proposed, including the provision of the balconies, would not adversely affect the residential amenity of surrounding residents. It is also stated that, should the Board require, the applicant would be willing to accept a condition to require the erection of a 1.8m screen along the southern end of the balconies with south-facing views (similar to those provided to the northern elevations). I would agree with the argument put forward in one of the observations that the reference to 22m relates to opposing first floor windows and not balconies at first and second floor level. I note the southern wing of the development would be sited between 15m (west corner) and 2.5m (east corner) to the boundary with the gardens of the residential properties along Turvey Avenue to the South. I consider the provision of balconies in their current form at both levels, positioned so close to this south boundary, would impact on their private amenity spaces to an unacceptable degree. The use of balcony screening (referenced by the appellant at appeal stage) might address the overlooking issues to a certain extent but balconies to the south west corner would continue to have indirect overlooking issues towards the gardens in a south western direction. In addition, the fitting of screens along the south has the potential to reduce the outlook and daylight for future occupants of the affected apartments to an unacceptable level. This would be particularly so when taking into consideration the proposed use of opaque glass in the windows serving living room space, most especially in the apartments located to the south east. On this basis, I

do not accept the option of screening of balconies as a solution at this location in this instance.

- 7.2.12. Given the orientation and separation distances between the proposed amended scheme and the existing properties to the south, the development would not give rise to excessive overshadowing of gardens or result in loss of daylight and sunlight to houses nor would the proposed development have an excessively overbearing impact on neighbouring properties.
- 7.2.13. Overall, I consider the Planning Authority's refusal reason no. 3 is reasonable given the potential for the development to result in overlooking and loss of privacy from the south projection wing of the development onto the private gardens associated with the established houses at Turvey Avenue to the south. As stated above, I am not satisfied that the proposed optional screening of balconies would overcome the issues of overlooking without reducing the amenity for future occupants of the units along the southern wing of the development to an unacceptable level.
- 7.2.14. In conclusion, the proposed development in its current form would in part result in a diminished level of residential amenities for the adjoining established private amenity spaces associated with the houses at Turvey Avenue and accordingly I recommend that permission should be refused.

Note: I considered an alternative recommendation to grant permission with a condition attached requiring a reduction of scale and extent of the scheme to three additional residential units rather than six. This would address concerns outlined in my assessment of Refusal Reason No.3 above, as I accept that the site is suitable for an increase in density from that currently permitted. However, this alternative would require a fundamental change to the overall design and not simply minor amendments and therefore I did not pursue this option. Any future planning application would benefit from supporting computer generated images including views from the neighbouring properties such as to assist in the assessment of residential amenity impacts.

7.3. Other

7.3.1. Design and Layout

It is not clear from the information on the drawings, how the storage space on the drawings complies with the requirements set out in Table 12.2 (Apartment/Duplex Units) of Development Plan as repeated in the national guidelines. I also note that the two 3-bedroom apartments are stated to have a dwelling aggregate living area space of 32 sq.m, whereas the Development plan and national guidelines require 34 sq.m. I accept these are minor matters and in the event of any grant of permission could be resolved by attachment of an appropriate planning condition seeking revised drawings to an appropriate scale which demonstrate compliance with the minimum standards set out in the 'Sustainable Urban Housing: Design Standards for Apartments Guidelines for Planning Authorities' issued by the Department of the Environment, Community and Local Government in December 2015.

7.4. Appropriate Assessment

The appeal site is not within or adjoining any Natura 2000 site. Having regard to the nature and scale of the proposed development, which seeks amendments to a previously permitted scheme and to the nature of the receiving environment together with the proximity to the nearest European site no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.4.1. S.48 Development Contributions

In the event that the Board are minded to grant permission, a Section 48 development contribution should attach in order to comply with the provisions of the Fingal County Council Development Contribution Scheme 2016-2020.

8.0 Recommendation

8.1. I recommend that **permission** should be **refused** for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1. The proposed development in its current form, by virtue of its proximity, height and scale relative to adjoining private gardens associated with the residential properties to the south, would be injurious to the residential amenities of these established properties at Turvey Avenue for reasons of overlooking and loss of privacy. The proposal referenced at appeal stage to incorporate 1.8m high balcony screens to the south side of the balconies on the south element of the proposed development, would, when taken in conjunction with the proposal for the use of opaque glass in the living room windows at this location, result in a reduction of the amenity for future occupants of the scheme to an unacceptable level because of loss of outlook and reduced daylight. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Patricia Calleary
Senior Planning Inspector

25th September 2017